

SKADDEN, ARPS, SLATE, MEAGHER & FOGEL LLP

MEMO ENDORSED

DIRECT DIAL
212-735-2550
DIRECT FAX
212-777-2550
EMAIL ADDRESS
JLERNER@SKADDEN.COM

FOUR TIMES SQUARE
NEW YORK 10036-6522

TEL: (212) 735-3000
FAX: (212) 735-2000
www.skadden.com

FIRM/AFFILIATE OFFICES

BOSTON
CHICAGO
HOUSTON
LOS ANGELES
PALO ALTO
SAN FRANCISCO
WASHINGTON, D.C.
WILMINGTON

BEIJING
BRUSSELS
FRANKFURT
HONG KONG
LONDON
MOSCOW
PARIS
SINGAPORE
SYDNEY
TOKYO
TORONTO
VIENNA

May 9, 2005

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 5/11/05

BY FACSIMILE

Honorable Kenneth M. Karas
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 920
New York, New York 10007

Re: World Wrestling Entertainment, Inc. v. JAKKS Pacific, Inc., et al., 1:04-CV-08223-KMK

Dear Judge Karas:

We write on behalf of the JAKKS Defendants to request permission to submit a short response to the fifteen (15) page letter submitted on Friday May 6, 2005 by World Wrestling Entertainment, Inc. ("WWE"), which purports to respond to the Court's Order of April 27, 2005. Pursuant to the instruction from Your Honor's Law Clerk to indicate the proposed subjects in our letter, we seek to:

- (1) address WWE's compliance with this Court's April 6, 2005 and April 27, 2005 directives that WWE "identify how the Amended Complaint responds to the dispositive motions raised by Defendants." See April 6 Order at 1-2; April 27, 2005 Transcript at 52;
- (2) bring to the Court's attention legal authorities addressing the appropriate consequences where a plaintiff fails to file a responsive brief in opposition to a pending motion to dismiss, and instead files an amended complaint that fails to address defects that were raised in the dismissal motion; and
- (3) address WWE's assertions that it has "done nothing sanctionable" and that the Federal Rules of Civil Procedure do not warrant fee shifting under the circumstances here.

Accordingly, we respectfully request leave to file, on or before Friday May 13, 2005, a letter of no more than ten (10) double-spaced pages.

Respectfully submitted,

Defendant JAKKS may submit a 10-page letter responding to Plaintiff's ~~for~~ submission of May 6, 2005.
Plaintiff may submit a 5-page reply by May 20, 2005.
SO ORDERED

cc: All Counsel

KENNETH M. KARAS U.S.D.J.

5/9/05